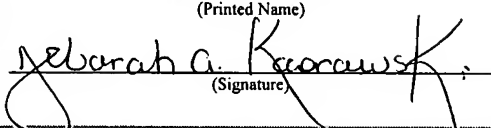


IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Khouri et al.  
Title: MIXING DRUM  
Appl. No.: 10/591,113  
International Filing Date: 06/29/2004  
Filing Date under § 371(c) Date: Not yet assigned  
Examiner: Not yet assigned  
Art Unit: 1723  
Confirmation No.: 7839

<b>CERTIFICATE OF EXPRESS MAILING</b>	
I hereby certify that this correspondence is being deposited with the United States Postal Service's "Express Mail Post Office To Addressee" service under 37 C.F.R. § 1.10 on the date indicated below and is addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.	
EV 828713989 US (Express Mail Label Number)	October 1, 2007 (Date of Deposit)
Deborah A. Kocorowski (Printed Name)	
 (Signature)	

Mail Stop PCT  
Commissioner for Patents  
Office of PCT Legal Administration  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PETITION UNDER 37 C.F.R. § 1.47(a)**  
**FOR JOINT INVENTOR THAT REFUSES TO SIGN**

Attn: Office of PCT Legal Administration

The Applicants hereby petition the Commissioner under 37 C.F.R. § 1.47 to accept the Declaration and Power of Attorney in the above-referenced application, in order to preserve the rights of the Applicants.

A petition under 37 C.F.R. § 1.47(a) must be accompanied by: (1) the fee under 37 C.F.R. § 1.17(g); (2) factual proof that the missing joint inventor refuses to sign; (3) a statement of the last known address of the missing inventor; and (4) an oath or declaration by each 37 C.F.R. § 1.47(a) applicant on his own behalf and on behalf of the non-signing joint inventor.

10/04/2007 MKAYPASH 00000108 10591113

02 FC:1463

200.00 UP

MILW\_2617501

**A. Proof of the Pertinent Facts**

The party to which the Applicants have agreed to assign the invention has made a *bona fide* attempt and diligent effort to comply with the provisions of 37 C.F.R. § 1.47, by attempting to contact the non-signing inventor, Mr. William Tippins and obtain his signature, in order to execute the application.

At the time of the invention, Mr. Tippins was employed by the Assignee of the present Application, McNeilus Truck and Manufacturing Inc., located Highway 14 East, Dodge Center, Minnesota 55927. During Mr. Tippins' employment with the Assignee, Mr. Tippins' address was 3034 Oakview Drive, Rochester, MN 55906.

Mr. Tippins is no longer employed by the Assignee. Following Mr. Tippins' employment, a known address for Mr. Tippins was 2021 Ashton, Muscle Shoals, Alabama 35661, and a known telephone number for Mr. Tippins in Alabama was 256-381-4995.

A representative of the Assignee attempted to contact Mr. Tippins at the known Alabama telephone number, and received an automated message that the number has been disconnected or is out of service.

A representative of the Assignee sent a copy of the Application, along with a copy of the Declaration and an Assignment to Mr. Tippins at the known address in Alabama on September 5, 2007, via United Parcel Service (UPS). A notification received from UPS for the package of documents indicates that UPS is unable to locate a record of delivery or return (copy enclosed as Exhibit A).

The undersigned representative of the Assignee sent a letter including a copy of the Application, along with a copy of the Declaration and an Assignment, and a prepaid return envelope, to Mr. Tippins at the known address in Alabama, via the United States Postal Service (USPS) on September 21, 2007 (copy attached as Exhibit B).

The letter was forwarded by USPS to the following address: 2516 Heathermoor Park Dr., Westfield, IN 46074 and was signed for by "A. Tippins" on September 24, 2007. Based on the USPS tracking information that indicates the forwarded address (in Indiana) from the previous known address (in Alabama), the Assignee believes that the Indiana address is the now the last known address for Mr. Tippins (see Exhibit C).

The undersigned representative of the Assignee attempted to contact Mr. Tippins at telephone number 317-732-4340 on September 25, 26, 27, 28, and 30, 2007. No answer was received. In each case, the undersigned representative of the Assignee left a detailed voicemail message providing a request and instructions for signing and returning the documents. Mr. Tippins has been unresponsive to the repeated requests to sign the documents. No response or telephone call from Mr. Tippins has been received. The signed documents have not been received from Mr. Tippins.

**B. The Fee Set Forth in 37 C.F.R. § 1.17(g)**

The fee set forth in 37 C.F.R. § 1.17(g) for filing a petition by other than all the inventors is \$200.00. A credit card payment for this amount is enclosed herewith.

**C. The Last Known Address of the Non-Signing Inventor**

The last known address for Mr. Tippins is:

Mr. William D. Tippins  
2516 Heathermoor Park Dr.  
Westfield, IN 46074

**D. Declaration of the Other Joint Inventors**

Enclosed herewith is the original Declaration made by the other joint inventors made on behalf of himself and the non-signing inventor (see Exhibit D).

**E. List of Exhibits**

Enclosed herewith are:

Exhibit A is a copy of the Notification from UPS that the package to Mr. Tippins at the Alabama address was not delivered.

Exhibit B is a copy of the letter sent to Mr. William D. Tippins with attachments that was forwarded by USPS to Mr. Tippins' last known address in Indiana requesting his cooperation and signatures. The copy states that assignment and declaration documents were enclosed with the letter and complete copies of the patent applications, including the specifications, claims, and drawings were also enclosed.

Exhibit C is a copy of the USPS tracking information associated with the letter.

Exhibit D is a copy of the declaration papers signed by the other joint inventors.

\* \* \*

The Applicants believe that the requirements of 37 C.F.R. § 1.47(a) have been satisfied and respectfully request that this petition under 37 C.F.R. § 1.47(a) be granted.

The Commissioner is hereby authorized to charge any additional fees, including fees for extensions of time, which may be required regarding this application under 37 C.F.R.

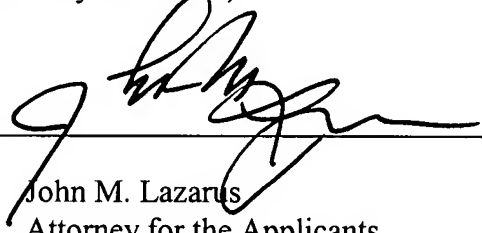
§§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741.

Should no proper payment be enclosed herewith, as by the credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Respectfully submitted,

Date 10/01/2007

FOLEY & LARDNER LLP  
Customer Number: 26371  
Telephone: (414) 297-5591  
Facsimile: (414) 297-4900

By 

John M. Lazarus  
Attorney for the Applicants  
Registration No. 48,367



September 28, 2007  
Shipper 582822  
Page 2 of 3

ATTN : Cindy Doughty  
PHONE : 9202359151X2532

**DAMAGE/LOSS NOTIFICATION**

**FAX RESPONSE**

INQUIRY FROM: Cindy Doughty  
Oshkosh Truck Corporation  
2307 Oregon Street, Legal  
Oshkosh WI 54902

SHIPMENT TO: XXXXX  
WILLIAM TIPPINS  
2021 ASHTON  
MUSCLE SHOALS AL 35661

Shipper Number. .... 582822  
Number of Parcels ..... 1  
Merchandise ..... DOCUMENTS

Pickup Date ..... 09/05/07  
Tracking Identification Number. 1Z5828221391157974

**WE HAVE BEEN UNABLE TO LOCATE A RECORD OF DELIVERY OR RETURN FOR THE ABOVE SHIPMENT. WE APOLOGIZE FOR THE INCONVENIENCE THIS CAUSES.**

T890NTFM:000A0000

LDI 01



September 21, 2007

WRITER'S DIRECT LINE  
414.297.5591  
jlazarus@foley.com EMAIL

CLIENT/MATTER NUMBER  
061300-1011

1:M009598855US

VIA OVERNIGHT DELIVERY

URGENT – IMMEDIATE RESPONSE REQUIRED

Mr. William D. Tippins  
2021 Ashton  
Muscle Shoals, AL 35661-4712

Re: U.S. Patent Application No. 10/591,113  
National Stage of International Patent Application No.  
PCT/US2004/021061  
Title: MIXING DRUM  
Inventors: A. Khouri, W. Rodgers, W. Tippins.  
Our Ref.: 061300-1011

Dear Mr. Tippins:

We represent Oshkosh Truck Corporation and McNeilus Truck and Manufacturing, Inc., and have prepared the above referenced patent application for them at their request. Enclosed please find a copy of the international patent application that is now pending in the U.S. Patent Office as U.S. Patent Application No. 10/591,113. I have also enclosed various formal papers which require your signature as well as those of the other inventors.

Please thoroughly read the patent application, including the specification, claims, and drawings, to ensure that it provides an accurate and complete description of the invention. The written description should be sufficiently complete to enable someone of ordinary skill in the art to make and use the invention. The application must describe the "best mode" contemplated by the inventors for carrying out the invention, i.e., in order to obtain a valid patent, no important details about the preferred embodiment of the invention can be withheld as a trade secret. If, after review of the application, you find that anything in the application is incomplete, inaccurate, untrue, or possibly misleading, please contact me immediately so we can discuss the matter.

If everything appears to be in order, please read, sign, and date the Declaration and Power of Attorney form at the colored tags. By executing this document, you will be verifying the originality of your invention and acknowledging your duty to disclose to the U.S. Patent and Trademark Office any information of which you are aware that could be material to

BOSTON  
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JACKSONVILLE

LOS ANGELES  
MADISON  
MILWAUKEE  
NEW YORK  
ORLANDO

SACRAMENTO  
SAN DIEGO  
SAN DIEGO/DEL MAR  
SAN FRANCISCO  
SILICON VALLEY

TALLAHASSEE  
TAMPA  
TOKYO  
WASHINGTON, D.C.

MILW\_2619197.1

EXHIBIT

B



FOLEY & LARDNER LLP

Mr. William D. Tippins

September 21, 2007

Page 2

the examination of the application. Material information could include patents, brochures and other publications (including those authored by a competitor, inventor, or co-worker), published industry standards, as well as information on possible prior uses of the invention, prior sales or offers to sell the invention, prior knowledge of the invention by others, prior invention by another, inventorship conflicts, and the like. This duty of disclosure is an important requirement of the law, and continues throughout the entire prosecution of the patent application until the application issues as a patent. Note that the Declaration is signed under penalty of perjury, so careful consideration should be paid to its contents before signing. Also note that the Declaration should remain attached to the patent application.

You should also read, sign, and date the enclosed Assignment and Agreement, which must be executed in the presence of two witnesses. By executing the Assignment, you will be acknowledging your obligation to McNeilus Truck and Manufacturing, Inc. by assigning all your rights in the invention to the company.

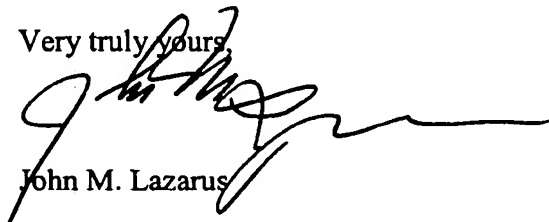
After the formal papers have been executed, **return this patent application and the fully executed formal papers to me as soon as possible, but not later than SEPTEMBER 26, 2007**, so that I can file the documents with the U.S. Patent and Trademark Office. If you have difficulty locating two witnesses for execution of the Assignment, then please return the signed and dated Declaration and Power of Attorney document to me now, and send the Assignment later when you are able to locate two witnesses.

I have included a pre-paid return envelope for your convenience in returning the documents to me.

1:M009598864US

If you have any questions regarding any of the above, please contact me immediately.

Very truly yours,



John M. Lazarus

Enclosures

cc: Oshkosh Truck Corporation  
James G. Morrow



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## Track & Confirm

### Search Results

Label/Receipt Number: **EM00 9598 855U S**  
Status: **Delivered**

Your item was delivered at 11:53 AM on September 24, 2007 in WESTFIELD, IN 46074. The item was signed for by A TIPPENS.

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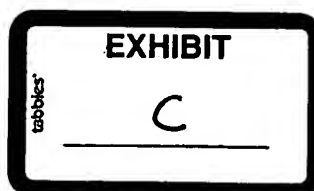
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Label/Receipt Number: EM00 9598 855U S  
Detailed Results:

- Delivered, September 24, 2007, 11:53 am, WESTFIELD, IN 46074
- Enroute, September 23, 2007, 9:13 pm, INDIANAPOLIS, IN 46251
- Enroute, September 22, 2007, 6:19 pm, HUNTSVILLE, AL 35813
- Forwarded, September 22, 2007, 1:00 pm, MUSCLE SHOALS, AL
- Arrival at Unit, September 22, 2007, 12:18 pm, MUSCLE SHOALS, AL 35661
- Enroute, September 22, 2007, 7:53 am, HUNTSVILLE, AL 35813
- Enroute, September 21, 2007, 7:34 pm, MILWAUKEE, WI 53203
- Acceptance, September 21, 2007, 7:29 pm, MILWAUKEE, WI 53203

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